

1 TONY WEST
 Assistant Attorney General
 2 ELIZABETH SHAPIRO
 Deputy Branch Director
 3 JOEL McELVAIN, State Bar No. 257736
 Senior Counsel
 4 U.S. Department of Justice
 Civil Division, Federal Programs Branch
 5 450 Golden Gate Ave., Room 7-5395
 San Francisco, CA 94102
 6 Telephone: (415) 436-6645
 Fax: (415) 436-6632
 7 Email: Joel.McElvain@usdoj.gov

8 Attorneys for the Defendants

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 10 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

11 ELECTRONIC FRONTIER FOUNDATION,)	
)	Case No. 4:09-cv-03351-SBA
12 Plaintiff,)	
)	Stipulation
13 v.)	
)	Next court date:
14 CENTRAL INTELLIGENCE AGENCY, <i>et al.</i> ,)	Case Management Conference Set
)	for Oct. 29, 2009 at 2:45 p.m.
15 Defendants.)	

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 17 The parties to this action, through their undersigned counsel, have conferred and
 18 have reached an agreement with respect to the processing of the Freedom of Information
 19 Act ("FOIA") requests submitted by the plaintiff, the Electronic Frontier Foundation, to
 20 certain of the defendants in this action.

21 Pursuant to this stipulation, the following agencies will complete their searches for
 22 records that are responsive to the plaintiff's FOIA requests that are at issue in this
 23 litigation, and will release to the plaintiff those records or those portions of records that
 24 the agencies have determined not to be exempt from disclosure under FOIA, by the
 25 following dates:

26 Department of Energy November 17, 2009

27 Department of Homeland Security December 15, 2009

Department of State

December 15, 2009

This stipulation does not address a schedule for the processing of records with respect to the remaining defendants. The parties have conferred with respect to that schedule but have not yet reached an agreement.

This stipulation also does not address a schedule for these agencies to provide *Vaughn* indices, or other factual support, to justify the withholding of any responsive records in whole or in part. The parties anticipate that the schedule for briefing with respect to the agencies' exemption claims will be the subject of further discussions between the parties after the processing of records is completed.

Dated: September 28, 2009

Respectfully submitted,

/s/ Nathan D. Cardozo
NATHAN D. CARDOZO
Counsel for the Plaintiff

/s/ Joel McElvain
JOEL McELVAIN
Counsel for the Defendants

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

The Hon. SAUNDRA B. ARMSTRONG
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2009, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF system.

/s/ Joel McElvain
JOEL McELVAIN